

ESTTA Tracking number: **ESTTA579260**

Filing date: **12/30/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	St. Louis Cardinals, LLC
Granted to Date of previous extension	12/29/2013
Address	700 Clark Street St. Louis, MO 63102 UNITED STATES

Attorney information	Bridget A. Crawford Cowan, Liebowitz & Latman, P.C. 1133 Avenue of the Americas New York, NY 10036 UNITED STATES bac@cll.com, mlk@cll.com, trademark@cll.com, jmn@cll.com Phone:212-790-9200
----------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Applicant Information

Application No	85787443	Publication date	07/02/2013
Opposition Filing Date	12/30/2013	Opposition Period Ends	12/29/2013
Applicant	The College of Adaptive Arts #328 San Jose, CA 95118 CANADA		

Goods/Services Affected by Opposition

Class 041. First Use: 2012/08/29 First Use In Commerce: 2012/08/29 All goods and services in the class are opposed, namely: Charitable services, namely, mentoring of students with differing disabilities in the field of fine arts, entertainment and communication; Charitable services, namely, operation of a school for students with differing disabilities in the field of fine arts, entertainment and communication; Charitable services, namely, providing classes, seminars, and workshops in the field of fine arts, entertainment, and communication for students with differing abilities; Providing camps for children and adults with intellectual and developmental disabilities; Workshops and seminars in the field of opportunities, enrichment, and coursework for students with differing disabilities

Grounds for Opposition

Other	See attached pleading.
-------	------------------------

Attachments	CARDINALS and Design NOO.PDF(38790 bytes) Ltr to Commissioner - CARDINALS and Design NOO.PDF(153906 bytes)
-------------	-----------------------------------------------------------------------------------------------------------------

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Bridget A. Crawford/
Name	Bridget A. Crawford
Date	12/30/2013

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Application Serial No. 85/787,443
Filed: November 26, 2012
For Mark: CARDINALS and Design
Published in the Official Gazette: July 2, 2013

-----X	
ST. LOUIS CARDINALS, LLC,	:
Opposer,	:
	:
v.	:
	:
THE COLLEGE OF ADAPTIVE ARTS,	:
Applicant.	:
-----X	

Opposition No.

NOTICE OF OPPOSITION

Commissioner for Trademarks
Attn: Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Opposer, St. Louis Cardinals, LLC (“Opposer”), a Missouri limited liability company,
with offices at 700 Clark Street, St. Louis, MO 63102, believes that it will be damaged by
registration of the mark CARDINALS and Design shown here:



("Applicant's Mark") in International Class 41 for “Charitable services, namely, mentoring of students with differing disabilities in the field of fine arts, entertainment and communication; Charitable services, namely, operation of a school for students with differing disabilities in the field of fine arts, entertainment and communication; Charitable services, namely, providing classes, seminars, and workshops in the field of fine arts, entertainment, and communication for students with differing abilities; Providing camps for children and adults with intellectual and developmental disabilities; Workshops and seminars in the field of opportunities, enrichment, and coursework for students with differing disabilities” as shown in Application Serial No. 85/787,443 (the “Application”), and having been granted extensions of time to oppose up to and including December 29, 2013, hereby opposes the same.

As grounds for opposition, it is alleged that:

1. Opposer is the owner of the renowned ST. LOUIS CARDINALS MAJOR LEAGUE BASEBALL club (the “Club”).

2. Since long prior to August 29, 2012, Applicant’s first claimed use date, Opposer, its predecessors, and their affiliated and related entities, licensees and/or sponsors have used the names or marks CARDINALS, CARDINAL and/or various depictions of cardinal birds, alone or with other word, letter and/or design elements (the “Opposer’s CARDINALS Marks”), in connection with baseball games and exhibition services and a wide variety of goods and services, including, but not limited to, charitable services, including, without limitation, fundraising and other services for children and adults; educational services, including, without limitation, camps, workshops, classes, seminars and mentoring services for children and adults; apparel; paper goods and printed matter; toys and sporting goods and novelty items and rendered such services in commerce.

3. Opposer owns U.S. federal registrations and applications for Opposer's CARDINALS Marks in International Classes 6, 9, 14, 16, 18, 21, 25, 28, 36, 37 and 41, namely, Registration Nos. 841,051; 843,039; 843,040; 1,029,880; 1,161,375; 1,290,475; 1,550,274; 1,561,781; 1,561,782; 1,566,742; 1,566,743; 1,613,969; 1,646,801; 2,563,494; 2,565,213; 2,597,277; 2,641,836; 2,778,410; 3,370,461; 3,410,579; 3,455,369; 3,497,105; 3,697,225; 4,054,865; 4,061,118; 4,078,907 and 4,402,600 and Application Serial No. 85/889,645. Registration Nos. 841,051; 843,039; 843,040; 1,029,880; 1,161,375; 1,290,475; 1,550,274; 1,561,781; 1,561,782; 1,566,742; 1,566,743; 1,613,969; 1,646,801 and 2,641,836 are incontestable.

4. Since long prior to August 29, 2012, Applicant's claimed first use date, Opposer, its predecessors, and their affiliated and related entities, licensees and/or sponsors have promoted and advertised the sale and distribution of goods and services bearing or offered in connection with Opposer's CARDINALS Marks, including, but not limited to, baseball games and exhibition services and a wide variety of goods and services, including but not limited to charitable services, including, without limitation, fundraising and other services for children and adults; educational services, including, without limitation, camps, workshops, classes, seminars and mentoring services for children and adults; apparel; paper goods and printed matter; toys and sporting goods and novelty items and rendered such services in commerce.

5. As a result of the sales and promotion of its goods and services bearing or offered in connection with Opposer's CARDINALS Marks, Opposer has built up highly valuable goodwill in Opposer's CARDINALS Marks, and said goodwill has become closely and uniquely identified and associated with Opposer.

6. On November 26, 2012, Applicant filed the Application for Applicant's Mark for "Charitable services, namely, mentoring of students with differing disabilities in the field of fine arts, entertainment and communication; Charitable services, namely, operation of a school for students with differing disabilities in the field of fine arts, entertainment and communication; Charitable services, namely, providing classes, seminars, and workshops in the field of fine arts, entertainment, and communication for students with differing abilities; Providing camps for children and adults with intellectual and developmental disabilities; Workshops and seminars in the field of opportunities, enrichment, and coursework for students with differing disabilities" in International Class 41, claiming a first use date of August 29, 2012.

7. Upon information and belief, Applicant did not use Applicant's Mark for the services covered in the Application in United States commerce prior to its claimed first use date of August 29, 2012.

8. The services covered by the Application are closely related to the goods offered and services rendered in connection with Opposer's CARDINALS Marks.

9. Applicant's Mark contains the word CARDINALS, which is identical to Opposer's CARDINALS Marks.

10. Applicant's Mark also contains the design element based on a cardinal bird as do many of Opposer's CARDINALS Marks.

11. Applicant's Mark so resembles Opposer's CARDINALS Marks as to be likely, when used in connection with Applicant's services, to cause confusion, to cause mistake, and to deceive the trade and public, who are likely to believe that Applicant's services have their origin with Opposer and/or that such services are approved, endorsed or sponsored by Opposer or

associated in some way with Opposer. Opposer would thereby be injured by the granting to Applicant of a certificate of registration for Applicant's Mark.

WHEREFORE, Opposer believes that it will be damaged by registration of Applicant's CARDINALS Mark and requests that the opposition be sustained and said registration be denied.

Please recognize as attorneys for Opposer in this proceeding Mary L. Kevlin, Richard S. Mandel and Bridget A. Crawford (members of the bar of the State of New York) and the firm Cowan, Liebowitz & Latman, P.C., 1133 Avenue of the Americas, New York, New York 10036.

Please address all communications to Mary L. Kevlin, Esq. at the address listed below.

Dated: New York, New York
December 30, 2013

Respectfully submitted,

COWAN LIEBOWITZ & LATMAN, P.C.
Attorneys for Opposer

By: /Bridget A. Crawford/

Mary L. Kevlin
Richard S. Mandel
Bridget A. Crawford
1133 Avenue of the Americas
New York, New York 10036
(212)790-9200

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on December 30, 2013, I caused a true and correct copy of the foregoing Notice of Opposition to be sent via First Class Mail, postage prepaid, to Applicant's Attorney and Correspondent of Record, Omair M. Farooqui, Ellahie & Farooqui LLP, 12 S. 1st Street, STE 600, San Jose, CA 95113-2404.

/Bridget A. Crawford/
Bridget A. Crawford



Cowan, Liebowitz & Latman, P.C.
1133 Avenue of the Americas
New York, NY 10036
(212) 790-9200 Tel
(212) 575-0671 Fax
www.cll.com

December 30, 2013

By Electronic Filing

Commissioner for Trademarks
Attn: TTAB
P.O. Box 1451
Alexandria, VA 22313-1451

Re: St. Louis Cardinals, LLC
Notice of Opposition Against
The College of Adaptive Arts
Application to register CARDINALS and Design
Ref. No. 21307.021

Dear Commissioner:

We enclose a Notice of Opposition against Application Serial Number 85/787,443 published in the Official Gazette on July 2, 2013. Contemporaneously with the electronic filing of this Notice of Opposition, we are arranging for an electronic payment in the amount of \$300 to cover the filing fee.

If the amount received is insufficient and additional fees are required, please charge our Deposit Account No. 03-3415.

Please address all future correspondence to the attention of Mary L. Kevlin of Cowan, Liebowitz & Latman, P.C.

Respectfully submitted,

/Bridget A. Crawford/
Bridget A. Crawford

Enclosures

cc: Ms. Diane Kovach (w/encs.)
Mary L. Kevlin, Esq. (w/encs.)
Richard S. Mandel, Esq. (w/encs.)